


Town of Amherst
Zoning Board of Appeals
SPECIAL PERMIT
2015 JUN 24 PM 2: 54
AMHERST TOWN CLERK

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2015-00028, to amend ZBA FY2013-00014, ZBA FY2008-00008, and ZBA FY1963-16 to construct a new maintenance and laundry facility building, under Section 9.22 and 10.33 of the Zoning Bylaw, at 950 North Pleasant, (Map 8A, Parcel 1, R-N Zoning District), subject to the following conditions:

1. The interior of the laundry and maintenance building shall be built and used substantially in accordance with the floor plans, prepared by Kuhn Riddle Architects, dated March 10, 2015. Any substantial changes to the use or design shall be considered by the Board at a public meeting to determine if the changes are minor, or significant enough to require modification of the Special Permit.
2. The exterior site improvements shall be built and maintained substantially in accordance with the site plan, prepared by Huntley Associates, dated April 13, 2015. Any substantial changes to the use or design shall be considered by the Board at a public meeting to determine if the changes are minor, or significant enough to require modification of the Special Permit.
3. The exterior lighting on the building shall be downcast. The pole lights shall be located in accordance with the approved site plan and shall be the same as approved in ZBA FY2013-00014.
4. The uses associated with the maintenance facility and operations shall comply with the following:
 - a. All operations, including incidental storage, shall be carried on within the principal or accessory building.
 - b. Exterior garaging or parking of vehicles shall be limited to one light panel, delivery or pick-up truck.
5. The general use of the building shall occur in accordance with the Management Plan, approved by the Zoning Board of Appeals on April 16, 2015.

Mark Parent 
Mark Parent, Acting Chair
Amherst Zoning Board of Appeals

June 24, 2015
DATE

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant/Owner: Presidential Development Company c/o Alan Cohn
61 South Main Street, Suite 300, West Hartford, CT 06107

Date application filed with the Town Clerk: July 14, 2014

Nature of request: For a Special Permit to amend ZBA FY2013-00014, ZBA FY2008-00008, and ZBA FY1963-16 to construct a new maintenance and laundry facility building, under Section 9.22 and 10.33 of the Zoning Bylaw, at 950 North Pleasant, (Map 8A, Parcel 1, R-N Zoning District)

Address: 950 North Pleasant Street (Map 8A, Parcel 1, R-N Zoning District)

Legal notice: Published on April 1, 2015 and April 8, 2015 and sent to abutters on April 8, 2015

Board members: Eric Beal, Tom Ehrgood, Keith Langsdale

Staff members: Jeff Bagg, Senior Planner, Rob Morra, Building Commissioner

Submissions:

- Application form, filed with the Town Clerk on March 27, 2015
- Project Summary
- Management Plan form
- Floor Plans and Elevations, prepared by Kuhn Riddle Architects, dated March 10, 2015
- Laundry/Maintenance Facility Site Plan, prepared by Huntley Associates, dated March 16, 2015
- ZBA FY2013-00014 (to construct 54 units) and approved site plan
- ZBA FY2013-00023 (to alter sidewalks in existing development) and approved site plans
- ZBA FY1963-16 (for the original construction)

Site Visit: April 14, 2015

Eric Beal observed (Mr. Ehrgood and Mr. Langsdale viewed the site separately) the location of the proposed laundry and maintenance building in between the existing units and the area where 54 new units are under construction, and the following:

- The location of the existing parking area to be reconfigured and expanded was observed
- The approximate location of the new laundry/maintenance building
- The approximate location of the proposed new sidewalk to connect the old and new apartment buildings
- The location of the property line abutting North Village Apartments and areas of possible headlight glare.

Public Hearing: April 16, 2015

The following new information was submitted:

- Revised Laundry/Maintenance Facility Site Plan and Details, prepared by Huntley Associates, dated April 13, 2015

The applicant, Alan Cohn, was accompanied by his attorney, Tom Reidy, of Bacon/Wilson, P.C. Mr. Reidy described the project in terms of the submitted materials, summarized as follows:

- The proposal is to modify the three existing Special Permits to allow the construction of an accessory structure containing a laundry facility for residents and a maintenance area for staff associated with the apartment complex.
- The proposed building is intended to reflect New England architecture and design. The siding will be a mix of red board and batten fiber cement board and grey fiber cement board clapboard siding. The roof will be gray asphalt shingles and the building will contain a "laundry" sign on the east and south elevations.
- The concept for the building was identified during the 2013 process for the 54 new units but was not ready at that time. During installation of the utilities, gas, electric, water and sewer were all stubbed in. The grading around the building will be design to have drainage enter the existing sedimentation basins approved in the original design.
- The Conservation Commission has reviewed and approved the site changes and grading and drainage plan.
- The proposal includes the creation of a handicapped parking space and accessible walkway to the building. Additionally, a new sidewalk will run from the existing complex, to the new building, then beyond and will connect with the new units.
- The existing parking area will be expanded in both size and number of spaces. It will increase from 12 to 17 parking spaces and will include the construction of a new driveway from the north side providing access to the maintenance building.
- The lighting plan shows downcast fixtures on the building and the installation of five new pole lights to light the parking area and walkways. The pole lights will match those approved as part of the 2013 Special Permit.
- The landscaping plan shows foundation plantings along the front and east side of building (juniper's and rhododendrons) and three maple trees planted along the north property line for headlight screening.
- The laundry facility was described:
 - It will be available to all tenants within the existing 84 units and 54 units under construction and :
 - This portion will be about 1,600 square feet
 - It will provide washers, dryers, folding tables, a waiting area, staff office, and restrooms
- The maintenance portion of the building was described:
 - Two small garage bays for the storage of snow blowers, plows, and landscaping equipment.
 - A larger work area for the general repair and maintenance of equipment. This space will also be used to store new appliances, etc. that are often received and need to be stored prior to installation.
 - There may be some employee vehicles or small trucks parked outside of the maintenance building

The Board discussed the hours for the laundry facility. Mr. Cohn explained that he had not contemplated whether the facility would be open 24 hours a day. The Board determined that it could be a decision of the owner; however, if it were open late issues related to lighting, access, and security should be considered.

The Board discussed activities associated with the maintenance building, such as the frequency of vehicles parking or outside storage. The applicant stated that there may be small trucks, such as a pick-up truck/plow truck parked there. He stated that there would be no long term storage of equipment, goods, or appliances outside. The Board determined that conditions would prohibit storage outside the building and limit the normal parking of vehicles to one light panel or pick-up truck.

The applicant identified the potential for solar panels to be added to the building in the future. The Board determined that they would not require any review for such a change.

The Board finds under Section 9.22, the following:

9.22 - The Special Permit Granting Authority authorized to act under the provisions of Section 3.3 of this bylaw may, under a Special Permit, allow a non-conforming use of a building, structure or land to be changed to a specified use not substantially different in character or in its effect on the neighborhood or on property in the vicinity. Said Authority may also authorize, under a Special Permit, a non-conforming use of a building, structure, or land to be extended, or a non-conforming building to be structurally altered, enlarged or reconstructed; provided that the Authority finds that such alteration, enlargement, or reconstruction shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or non-conforming building. The Board found that the construction of a laundry and maintenance building apartments is not substantially more detrimental to the neighborhood for the following reasons:

- The laundry building will provide a useful and customary services to the residents of the 138 units within the complex (when the new construction is completed).
- The addition of the maintenance building will not intensify the use on the property; rather it is a consolidation of the current operations. Storage will occur in the building and parking of maintenance vehicles will be limited.
- The building meets the required setbacks and is positioned in between the existing and new units.

The Board finds under Section 5.00, the following:

Any use which is, in Hampshire County, customarily accessory and incidental to a permitted Principal Use shall be permitted on the same lot with said Principal Use, or on a lot adjacent thereto in the same ownership, subject to the general limitation that it shall not be detrimental to the neighborhood or the property in the vicinity, and subject further to the following provision: Wherever a Principal Use is allowed by Special Permit from the Board of Appeals then Accessory Uses to the Principal Use shall be subject to a Special Permit, unless otherwise provided in this Article. The Board found that the addition of a laundry/maintenance building is customarily accessory and incidental to a 138 unit apartment complex. Furthermore, as the principal use requires a Special Permit, this Special Permit shall authorize the use of the new building as a laundry and maintenance building.

Specific Findings:

The Board found under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 & 10.381 - *The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority; The proposal is compatible with existing Uses and other Uses permitted by right in the same District.*

The proposal will provide a useful and customary services to the residents of the 138 units in the complex and is suitably located within the site and broader neighborhood.

10.382, 10.383 & 10.385 - *The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features; The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features.* The proposal will allow the consolidation of maintenance equipment and activities to a central location that is far enough from residential unit so as to not cause any nuisances or substantial inconveniences to residents and will not negatively impact the abutting residences at North Village Apartments. The proposal provides additional walkways to connect residents and pedestrians from their units to the new building. The submitted lighting photometric plan shows that lighting will not cast onto adjacent properties and some additional plantings will be installed to screen vehicle headlights.

10.386 - *The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw.* The proposal reconfigures the existing parking area; increases the number of spaces; provides the necessary handicapped access; and includes some vegetative plantings along the north property line.

10.398 - *The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan.* The proposal provides for the addition of a laundry facility for tenants and maintenance facility for the proper care and oversight of the existing 138 unit apartment complex. The use provides for the most appropriate use of the land in the Town of Amherst and is in harmony with the goal of the Master Plan to "Support the creation of taxable student housing that will lessen the pressures on residential neighborhoods".

Zoning Board Decision

Mr. Beal MOVED to approve the application with conditions. Mr. Ehrgood seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2015-00028, to amend ZBA FY2013-00014, ZBA FY2008-00008, and ZBA FY1963-16 to construct a new maintenance and laundry facility building, under Section 9.22 and 10.33 of the Zoning Bylaw, at 950 North Pleasant, (Map 8A, Parcel 1, R-N Zoning District), subject to conditions.

Eric Beal

ERIC BEAL

Tom Ehrgood

TOM EHrgOOD

Mark Parent

MARK PARENT

FILED THIS 24th day of June, 2015 at 2:55 PM,
 in the office of the Amherst Town Clerk Wanda J. Burger
 TWENTY-DAY APPEAL period expires, July 14, 2015.
 NOTICE OF DECISION mailed this 25 day of June, 2015
 to the attached list of addresses by Teffy R. Byn, for the Board.
 CERTIFICATE OF NO APPEAL issued this _____ day of _____, 2015.
 NOTICE OF PERMIT or Variance filed this _____ day of _____, 2015,
 in the Hampshire County Registry of Deeds.

THE COMMONWEALTH OF MASSACHUSETTS
AMHERST

City or Town
NOTICE OF SPECIAL PERMIT
Special Permit
(General Laws Chapter 40A)

Notice is hereby given that a Special Permit has been granted
To Presidential Development Company c/o Alan Cohn
Address 61 South Main Street, Suite 300
City or Town West Hartford, CT 06107

Identify Land Affected: 950 North Pleasant Street
(Map 8A, Parcel 1, R-N Zoning District)

By the **Town of Amherst Zoning Board of Appeals** affecting the rights of the owner
with respect to the use of the premises on

950 North Pleasant Street Amherst
Street City or Town

The record of title standing in the name of
Amherst-Presidential Village LLC
Name of Owner

Whose address is One Regency Drive, PO Box 397 Bloomfield, CT 06002
Street City or Town State Zip Code

By a deed duly recorded in the
Hampshire County Registry of Deeds: Book 6169 Page 195
or

Hampshire Registry District of the Land Court, Certificate No. _____,
Book _____, Page _____

The decision of said Board is on file, with the papers, in ZBA FY2015-00028 In the
office of the Town Clerk Sandra J. Burgess

Certified this _____ day of _____

Board of Appeals:

Mark Parent JB Chairman
(Board of Appeals)
Tom Ehrigood JB Clerk
(Board of Appeals)

_____ at _____ o'clock and _____ minutes _____ m.
Received and entered with the Register of Deeds in the County of Hampshire
Book _____ Page _____

ATTEST _____

Register of Deeds
Notice to be recorded by Land Owner

**BOARD OF APPEALS
AMHERST, MASSACHUSETTS
RECORD OF APPEALS AND DECISION RENDERED**

Petition of Presidential Development Company c/o Alan Cohn

For a Special Permit to amend ZBA FY2013-00014, ZBA FY2008-00008, and ZBA FY1963-16 to construct a new maintenance and laundry facility building, under Section 9.22 and 10.33 of the Zoning Bylaw, at 950 North Pleasant, (Map 8A, Parcel 1, R-N Zoning District)

On the premises of 950 North Pleasant Street
At or on Map 8A, Parcel 1, R-N Zoning District

NOTICE of hearing as follows mailed (date) April 8, 2015
to attached list of addresses and published in the Daily Hampshire Gazette
dated April 1, 2015 and April 8, 2015

Hearing date and place April 16, 2015 (Town Hall)

<p style="text-align:center">LEGAL NOTICE</p> <p>The Amherst Zoning Board of Appeals will meet on *Thursday, April 16, 2015* at 6:30 P.M. in the Town Room, Town Hall, to conduct the following business:</p> <p>PUBLIC HEARING:</p> <p>ZBA FY2015-00028 - Presidential Development Company - For a Special Permit to amend ZBA FY2013-00014, ZBA FY2008-00008, and ZBA FY1963-16 to construct a new maintenance and laundry facility building, under Section 9.22 and 10.33 of the Zoning Bylaw, at 950 North Pleasant, (Map 8A, Parcel 1, R-N Zoning District)</p> <p>ZBA FY2015-00029 - Co-Ed Realty, LLC - For a Special Permit to re-issue and/or renew ZBA FY2009-00004 for the use of as a non-owner occupied duplex, with modifications to conditions, and to modify conditions of ZBA FY2014-00027, under Section 3.321 and 10.33 of the Zoning Bylaw, at 382 North Pleasant Street (Map 11C-118, R-G Zoning District)</p> <p>ZBA FY2015-00030 - Mission Cantina - For a Special Permit to modify conditions of ZBA FY2011-00016 and ZBA FY2012-00024 to construct a new enclosed entry, to remove a limit on parking behind the building; to erect an eight foot fence; and to increase the number of parking spaces on-site, at 481-485 West Street (Map 19D, Parcel 19, B-VZ Zoning District)</p> <p>ERIC BEAL, CHAIR AMHERST ZONING BOARD OF APPEALS</p> <p>3323317 April 4, 8</p>
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SITTING BOARD and VOTE TAKEN:

To grant a Special Permit, ZBA FY2015-00028, to amend ZBA FY2013-00014, ZBA FY2008-00008, and ZBA FY1963-16 to construct a new maintenance and laundry facility building, under Section 9.22 and 10.33 of the Zoning Bylaw, at 950 North Pleasant, (Map 8A, Parcel 1, R-N Zoning District), subject to conditions.

Mark Parent - Yes Eric Beal - Yes Tom Ehrgood - Yes

DECISION: APPROVED with conditions

Town of Amherst Abutter List

Parcel ID	Parcel Address	Owner1	Owner2	Address	City/Zip
7B-3	MEADOW ST	COMMONWEALTH OF MASS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
7B-4	MEADOW ST	COMMONWEALTH OF MASS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
4D-10	MEADOW ST	WASKIEWICZ, MICHAEL J	WASKIEWICZ, JOSEPH A	324 MEADOW ST	AMHERST, MA 01002-1024
8A-69	NORTH PLEASANT ST	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8A-68	NORTH PLEASANT ST	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8A-5	NORTH PLEASANT ST	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8A-73	NORTH PLEASANT ST	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8A-4	922 NORTH PLEASANT ST	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8A-3	948 NORTH PLEASANT ST	DIRAISON, JACQUELINE A (SHERIDAN)	SHERIDAN, PATRICK C	948 NORTH PLEASANT ST	AMHERST, MA 01002
8A-1	950 NORTH PLEASANT ST	AMHERST-PRESIDENTIAL VILLAGE LLC		ONE REGENCY DR P.O. BOX 397	BLOOMFIELD, CT 06002-0397
8A-74	956 NORTH PLEASANT ST	GOTTSCHALL, CARL E	% G GOTTSCHALL & S WARBELTON-G	956 NORTH PLEASANT ST	AMHERST, MA 01002
5C-14	971 NORTH PLEASANT ST	JONES PROPERTIES LTD PARTNERSHIP		15A PRAY ST	AMHERST, MA 01002
8A-2	972 NORTH PLEASANT ST	KEELEY, JOSEPHINE B & THOMAS J.		972 NORTH PLEASANT ST	AMHERST, MA 01002
5C-15	977 NORTH PLEASANT ST	TOPPIN, JENNIFER		4 LACHANCE ST	GARDNER, MA 01440

<i>Parcel_ID</i>	<i>Parcel_Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>CityStZip</i>
5C-16	985 NORTH PLEASANT ST	ZHANG, YANG		P.O. BOX 111	AMHERST, MA 01004
5C-11	990 NORTH PLEASANT ST	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003